

Remarks/Arguments

Claim Rejections – 35 U.S.C. § 112

The Office rejected claim 18 as being indefinite for failing to provide antecedent basis for “the water usage data”. Claim 18 is moot in light of the amendments to claim 10. Therefore, claim 18 has been cancelled.

35 U.S.C. § 102

The Office rejected claims 1-5, 10, 19, 21, 22, 27 and 28 as being anticipated by Nawathe et al. (U.S. Patent No. 5,647,986). The applicant respectfully disagrees, especially in view of the claim amendments made herein.

Both of the amended claims now recite the sending of “at least one of a start time, irrigation water flow data, and irrigation water pressure data from the irrigation controller to the government agency.” In the Office Action of March 28, 2005, the examiner directed the applicant to column 25, lines 25-28 of Nawathe to find the claim elements from dependent claims 27 and 28 that have been moved into independent claims 1 and 10, respectively. The applicant has thoroughly reviewed the referenced portion of Nawathe and respectfully disagrees that this element is disclosed in those lines or anywhere in Nawathe.

The referenced portion of Nawathe teaches that, “the controller of the present system can be connected to monitor utility usage such as water or electricity in the house, by supplying usage data in the form of signals from the utility meters modified for that purpose.” There is no reference to the monitoring and sending of “at least one of a start time, irrigation water flow data, and irrigation water pressure data from the irrigation controller to the government agency.” In Nawathe, they monitor the total water or electricity use at a home and not the separate water used for irrigation purposes.

Additionally, the examiner refers the applicant to column 25, lines 20-27 of Nawathe to find the element of sending monitoring (at least one of a start time, irrigation water flow data, and irrigation water pressure data) information from an irrigation controller to a government agency. The referenced portion of Nawathe teaches that “in response to such signals indicating an external event (“intrusion into or within the house, or...fire or smoke within the house”) the

controller is programmed to place a call...[or] the system can report the meter readings on a periodic basis." There is no reference to the sending of "at least one of a start time, irrigation water flow data, and irrigation water pressure data."

The Office rejected claims 1, 4, 5, 10, 12-17, 19, 21 and 23 as being anticipated by Miller et al. (U.S. Patent No. 5,479,339). The applicant respectfully disagrees especially, in view of the claim amendments made herein.

Most of the claim elements from dependent claims 27 and 28 have been moved into independent claims 1 and 10, respectively. As claims 27 and 28 were not rejected as being anticipated by Miller, the applicant submits that amended claims 1 and 10 are now novel over Miller.

The Office rejected claims 1-5, 10, 12-15, 18 and 19 as being anticipated by Collins (U.S. Patent No. 6,402,048). The applicant respectfully disagrees, especially in view of the claim amendments made herein.

Most of the claim elements from dependent claims 27 and 28 have been moved into independent claims 1 and 10, respectively. As claims 27 and 28 were not rejected as being anticipated by Collins, the applicant submits that amended claims 1 and 10 are novel over Collins.

35 U.S.C. §103

The Office rejected claims 7, 8, 11 and 24-28 as being unpatentable over Miller et al. in view of Peek et al. (U.S. Patent No. 6,343,255). Since most of the elements of claims 27 and 28 were incorporated into claims 1 and 10, respectively, the applicant will distinguish claims 1 and 10 only.

Both of the amended claims now recite the sending of "at least one of a start time, irrigation water flow data, and irrigation water pressure data from the irrigation controller to the government agency." In the Office Action of March 28, 2005, the examiner directed the applicant to column 3, lines 35-40, col. 5 line 41-col. 6 line 6. of Miller to find this element. The run time was removed from the elements and the remaining three elements, "start time,


irrigation water flow data and irrigation water pressure data" were not found to be disclosed in those lines or anywhere in Miller. Conclusion

As none of the cited references disclose, teach or suggest all of the claim elements, the applicant respectfully request that the examiner allow the claims in their current form.

Respectfully submitted,

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